

**Introduced by Senator Emmerson**

January 26, 2011

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An act to add Section 23304 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 125, as amended, Emmerson. Vehicles: toll highways or vehicular crossings: evading toll payments: penalties.

Existing law makes it unlawful for a person to evade or attempt to evade the payment of tolls or other charges on ~~any~~ a vehicular crossing or toll highway and imposes a civil penalty for violation of this law.

~~This bill would authorize a local authority, by ordinance or resolution, to implement a specified program under which the local authority may attach a wheel boot to, and in some cases impound, a vehicle registered to a "chronic evader of toll payments," as defined.~~

*This bill would authorize a law enforcement officer to impound, or cause to be impounded, a vehicle that is registered to a chronic evader of toll payments, as defined, until all outstanding tolls and all required penalties are paid to the issuing agency.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 23304 is added to the Vehicle Code, to
- 2 read:
- 3 23304. (a) For purposes of this section, the following
- 4 definitions apply:

1 (1) (A) “Chronic evader of toll payments” is a person who has  
2 been issued three or more notices of toll evasion for a violation of  
3 subdivision (a) of Section 23302.5, over a designated period of  
4 time, to which the registered owner has not responded *by paying*  
5 *the required toll and penalties.*

6 (B) *For purposes of this section, a chronic evader of toll*  
7 *payments does not include a registered owner of a trailer or*  
8 *semitrailer that is used in connection with intermodal*  
9 *transportation.*

10 (2) “Issuing agency” shall have the same meaning as provided  
11 in subdivision (e) of Section 40250.

12 ~~(3) “Wheel boot” is a device, also known as a “wheel clamp,”~~  
13 ~~which is attached to the wheel of a vehicle and is designed to~~  
14 ~~immobilize the vehicle and prevent the removal of the device and~~  
15 ~~the wheel.~~

16 ~~(b) A local authority, by ordinance or resolution, may implement~~  
17 ~~a program under which the local authority may attach a wheel boot~~  
18 ~~to the wheel of a vehicle that is located in the local authority’s~~  
19 ~~jurisdiction and that is registered to a chronic evader of toll~~  
20 ~~payments who has been issued three or more notices of toll evasion~~  
21 ~~from an issuing agency authorized to collect tolls within the~~  
22 ~~jurisdiction of the local authority.~~

23 ~~(e) (1) The program may require that the wheel boot remain~~  
24 ~~on the vehicle until all required penalties imposed pursuant to~~  
25 ~~subdivision (b) of Section 23302.5 are paid to the issuing agency~~  
26 ~~authorized to collect tolls in the city or county where the violations~~  
27 ~~occurred.~~

28 ~~(2) (A) A local authority may remove and store a vehicle upon~~  
29 ~~which a wheel boot has been attached pursuant to this section if~~  
30 ~~the penalties are not paid within a time period established by the~~  
31 ~~local authority, but not less than 72 hours from the time that the~~  
32 ~~wheel boot was attached.~~

33 ~~(b) If a law enforcement officer discovers during a traffic~~  
34 ~~violation enforcement action that the vehicle is registered to a~~  
35 ~~chronic evader of toll payments, as defined in subdivision (a), the~~  
36 ~~officer may impound, or cause to be impounded, the vehicle until~~  
37 ~~all outstanding tolls and all required penalties imposed pursuant~~  
38 ~~to subdivision (b) of Section 23302.5 are paid to the issuing agency.~~

39 ~~(B)~~

1 (c) The removal and storage of a vehicle pursuant to this  
2 ~~subdivision~~ *section* shall be consistent, to the extent possible, with  
3 the procedures for removal and storage of a vehicle set forth in  
4 Article 2 (commencing with Section 22850) of Chapter 10.

5 (d) A notice of toll evasion violation shall inform the recipient  
6 that repeated unpaid toll evasion violations will subject a vehicle  
7 to ~~restriction of~~ *impoundment pursuant to* this section.